APPENDIX

Laws of New York, 1941

Chapter 562

An Act to amend the Nassau county administrative code in relation to the time when the receiver of taxes shall make his return of unpaid taxes to the county treasurer

Became a law April 19, 1941, with the approval of the Governor. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1939, ch. 272, § 5-23.0, subd. a, amended.

Section 1. Subdivision a of section 5-23.0 of chapter two hundred and seventy-two of the laws of nineteen hundred thirty-nine, entitled "An act to provide an administrative code for Nassau county in harmony with and supplemental to the county government law of Nassau county," as last amended by chapter eight hundred and forty-five of the laws of nineteen hundred thirty-nine, is hereby amended to read as follows:

§ 5-23.0 **Return by receiver of taxes.** a. The town receiver of taxes shall make his return of unpaid taxes, excepting school district taxes, to the county treasurer on or before the first day of October of the [1]calendar year following the delivery to him of his warrant. The town receiver of taxes shall make his return of unpaid school district taxes to the county treasurer on or before the first day of June of the [2]calendar year following the delivery to him of his warrant.

§ 2. This act shall take effect immediately.

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[1] Word "second" omitted.

[2] Word "second" omitted.

Chapter 679

An Act to amend the Nassau county administrative code so as to reduce the period of redemption on tax liens from four years to two years

Became a law April 22, 1941, with the approval of the Governor. Passed, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

L. 1939, ch. 272, § 5-30.0, subd. b, amended.

Section 1. Subdivision b of section 5-39.0 of chapter two hundred and seventy-two of the laws of nineteen hundred thirty-nine, entitled "An act to provide an administrative code for Nassau county in harmony with and supplemental to the county government law of Nassau county," is hereby amended to read as follows:

b. The rate of interest and penalty at which any person or persons purchase the tax lien shall be established by his bid. The rate thus established shall be the rate of interest and penalty for a period of two[1] years from the date of such sale or if the lien is discharged prior to such time, then up to the time of such discharge.

§ 5-40.0 amended.

§ 2. Section 5-40.0 of such chapter is hereby amended to read as follows:

§ 5-40.0 **Interest on tax lien; how computed.** The maximum interest and penalties which a tax lien may carry and bear are the following:

1. If satisfied within six months of the date of sale, ten per centum on the purchase price.

2. If satisfied after the expiration of six months and within twelve months of the date of sale, an additional ten per centum on the purchase price.

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[1] Word "two" substituted for word "four".

3. If satisfied after the expiration of twelve months and within a period of eighteen months of the date of sale, an additional ten per centum on the purchase price.

4. If satisfied after the expiration of eighteen months and within a period of twenty-four months of the date of sale, an additional ten per centum on the purchase price.[2] However, if the rate of interest at which the tax lien was purchased is less than the maximum interest rate, the tax lien shall carry and bear such lower interest rate.

§ 5-48.0, amended.

§ 3. Section 5-48.0 of such chapter is hereby amended to read as follows:

§ 5-48.0 **Rights of purchasers.** There shall be due and payable to a holder of a tax lien twenty-four [3] months from the date of sale of such lien:

1. The amount paid for the lien.

2. The interest and penalty thereon at the rate for which he purchased the lien.

3. The costs and expenses which have accrued against the property affected by the lien, as provided in this article.

§ 5-51.0, subd. b, amended.

§ 4. Subdivision b of section 5-51.0 of such chapter as amended by chapter seven hundred and four of the laws of nineteen hundred thirty-nine is hereby amended to read as follows:

b. Such notice may be given at any time after the expiration of twenty-one [4] months from the date of the sale of the tax lien. Such notice shall either be printed or written or partly written and partly printed, and shall state briefly:

1. The lot or lots or parcel or parcels of land affected by the tax lien.

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[2] Former paragraphs 5, 6, 7, and 8 omitted.
[3] Word "twenty-four" substituted for word "forty-eight".
[4] Word "twenty-one" substituted for word "forty-five".

2. The year of the tax for which the tax lien was sold.

3. The expense of making searches thereon and serving the notice.

4. The last day of satisfaction of the tax lien, which day shall not be less than three months from the day of service of the same.

Such notice shall further state that the satisfaction is to be made at the office of the county treasurer at Mineola, and that in the event that such tax lien shall not be satisfied within the time stated in such notice, the holder shall elect to accept a deed of conveyance of such property or to call his money and foreclose his tax lien, as the case may be.

§ 5-60.0, amended.

§ 5. Section 5-60.0 of such chapter is hereby amended to read as follows:

§ 5-60.0 **When foreclosure action may be commenced.** The action provided for in section 5-58.0 of the code may be commenced at any time after twenty-four [5] months from the date of sale mentioned in the certificate of sale. All the provisions of the civil practice act and all other provisions of law and the rules of practice relating to actions for the foreclosure of mortgages shall apply to the action hereby authorized so far as applicable, except as otherwise provided in this article. It shall be sufficient for the plaintiff to set forth in his complaint in such action:

1. A copy of or the substance of his certificate of sale of the tax lien, and the amount of interest, penalties, additions and expenses claimed by him.

2. A statement that the tax lien has not been satisfied pursuant to section 5-50.0 of the code or that the real property affected by such tax lien has not been conveyed pursuant to section 5-53.0 of the code.

3. A statement that the plaintiff elects to recover the amount of the tax lien and the interest, penalties, additions and expenses thereon.

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[5] Word "twenty-four" substituted for word "forty-eight".

4. A statement that the defendants have or may have some interest in or lien upon the property affected by the action.

§ 6. All rights and remedies provided for the enforcement of tax liens and the redemption of real property affected by a tax lien sold at a sale of tax liens held prior to the first day of April, nineteen hundred forty-one shall continue in respect of such tax liens and such real property in the same manner as though this chapter had not been enacted.

§ 7. This act shall take effect immediately.

LAWS OF NEW YORK, 1939

CHAPTER 272

ARTICLE 2

ENFORCEMENT OF COLLECTION OF TAXES BY COUNTY TREASURER

§ 5-24.0 **Definitions.** As used in this article:

1. The term "tax" when used alone or as a part of another term, unless the context requires otherwise, includes taxes and assessments for benefit levied by or for school or special districts, towns, the county or the state, other than those assessments for benefit levied pursuant to title B of chapter eleven of the code.

2. The term "assessment" or "assessment for benefit" unless the context requires otherwise, means an assessment for benefit levied by the county pursuant to title B of chapter eleven of the code.

3. The term "tax lien" includes:

(a) The right of the county to collect taxes, penalties, interest and other charges on the real property affected by such taxes for failure to pay such taxes, and

(b) The lien against such real property for all the aforementioned items.

4. The term "sale of taxes" or "sale of a tax lien" includes the sale of the real property affected by such tax lien.

5. The term "certificate of sale" or "certificate of sale of a tax lien" means the instrument by which the county transfers a tax lien and sells the real property affected by such tax lien.

6. The term "holder," "holder of a tax lien" or "holder of a certificate of sale of a tax lien" means the purchaser of a tax lien and of the real property affected by such tax lien or if the purchaser has transferred the certificate of sale, a person in lawful possession of such certificate of sale who claims title through the purchaser of such certificate of sale. The term "person" as used in this definition includes the county.

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§ 5-41.0 **Deposit; contents of certificate of sale of tax lien.** Each purchaser at a sale of tax liens shall pay to the county treasurer ten per centum of the amount of the tax lien immediately after such sale, and the remaining ninety per centum of such tax lien within sixty days after such sale. Thereupon the county treasurer shall execute to each purchaser, including the county, a certificate in writing which shall contain:

1. A description of the real property affected by the tax lien which description shall refer to the designation of such property on the tax map, if such map has been completed.

2. The name of the owner of the real property as it appears on the tax books.

3. The interest and penalty at which such tax lien was purchased.

4. The date of the sale.

5. A statement that the tax lien was sold for unpaid school district, special district, town, county or state taxes, as the case may be.

6. The amount paid for the tax lien.

7. Such other information as the county treasurer shall deem expedient.

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§ 5-48.0 **Rights of purchasers.** There shall be due and payable to a holder of a tax lien forty-eight months from the date of sale of such lien:

1. The amount paid for the lien.

2. The interest and penalty thereon at the rate for which he purchased the lien.

3. The costs and expenses which have accrued against the property affected by the lien, as provided in this article.

§ 5-49.0 **Payment by holder of certificate of sale; penalties thereon.** a. The holder of a certificate of sale of tax liens, at any time after the annual return of taxes to the county treasurer by the receiver of taxes, may pay to the county treasurer any taxes on such return and any older taxes that are a lien on such property.

b. The holder of such certificate making payment of such taxes shall be entitled to and shall receive the full amount of the taxes thus paid with interest and penalties thereon from the date of payment at the same rate and payable in the same manner as the interest and penalties at which he purchased such tax lien.

c. The taxes, so paid by the holder of the certificate of sale of the tax lien, with the interest and penalty at the rate at which the tax lien was purchased, shall become a lien on the property and shall be payable at the time of the discharge of the certificate of sale of the tax lien or at the time of completion of foreclosure proceedings out of the proceeds realized at such sale of the property.

§ 5-50.0 **When tax lien may be discharged.** a. The owner of, or any person interested in, or having a lien upon any real estate on which the tax lien has been sold, may satisfy the same, at any time before the delivery of the county treasurer's deed or the sale in an action to foreclose the tax lien, * * *

b. The county treasurer shall continue to receive and allow satisfactions of the tax lien in the manner set forth in subdivision a of this section and on the terms provided

until the delivery of the county treasurer's deed or until a notice of election to foreclose the tax lien is filed with him by the holder thereof together with proof by affidavit or certificate that a summons, complaint and notice of pendency of action in an action to foreclose the lien shall have been duly filed in the office of the county clerk. The county treasurer shall not thereafter allow satisfactions or receive payments therefor except on order of the court duly made in the action. * * *

§ 5-51.0 **Notice to owner by holder.** a. The holder of any tax lien which is not satisfied, shall give notice to the occupant, owner in fee, trustee, mortgage, judgment creditor or purchaser at any other county tax sale of a tax lien affecting the same property, and the heirs, legal representatives, and assigns of any or other of them, the guardian of any infants having any interest therein, and any other person having a lien, claim or interest appearing of record on the premises affected by such sale. * * *

b. Such notice may be given at any time after the expiration of forty-five months from the date of the sale of the tax lien. Such notice shall either be printed or written or partly written and partly printed, and shall state briefly:

1. The lot or lots or parcel or parcels of land affected by the tax lien.

2. The year of the tax for which the tax lien was sold.

3. The expense of making searches thereon and serving the notice.

4. The last day of satisfaction of the tax lien, which day shall not be less than three months from the day of service of the same.

Such notice shall further state that the satisfaction is to be made at the office of the county treasurer at Mineola, and that in the event that such tax lien shall not be satisfied within the time stated in such notice, the holder shall elect to accept a deed of conveyance of such property or to call his money and foreclose his tax lien, as the case may be. * * *

§ 5-52.0. **Possession of real estate affected by tax liens; when obtained by holder.** a. In the event that the tax lien has not been satisfied as provided in section 5-50.0 of the code, the holder of the tax lien may obtain actual possession of the premises after:

1. The time limitations in sections 5-50.0 and 5-51.0 of the code for the discharge of such tax lien have expired.
2. Notice has been given pursuant to section 5-51.0 of the code.
3. Title to such premises has been conveyed to him pursuant to this article.

b. Such actual possession may be obtained by an action at law or by causing the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to the holder of the tax lien in the same manner, and in the same proceedings, and before the same officers as in the case of a tenant holding over after the expiration of his term without the permission of his landlord.

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§ 5-53.0 **Conveyance by the county when tax lien is not satisfied.** If such tax lien is not satisfied, the county treasurer shall execute to the holder of such certificate of sale of the tax lien a conveyance of the real estate on which the tax lien has been sold. This conveyance shall vest in the grantee an absolute estate in fee, subject to all claims which the county may have thereon for tax or other liens or incumbrances. Such conveyance shall be executed only upon:

1. Performance by such purchaser of the conditions which he is required to perform pursuant to this article.
2. Surrender of such certificate of sale.
3. The taking and paying for by the holder of an assignment of all outstanding prio tax liens held by the county upon the premises.
4. The filing of prof of service of notice upon owners and other interested persons as provided by section 5-51.0 of the code.

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§ 5-60.0 **When foreclosure action may be commenced.** The action provided for in section 5-58.0 of the code may be commenced at any time after forty-eight months from the date of sale mentioned in the certificate of sale. All the provisions of the civil practice act and all other provisions of law and the rules of practice relating to actions for the foreclosure of mortgages shall apply to the action hereby authorized so far as applicable, except as otherwise provided in this article. It shall be sufficient for the plaintiff to set forth in his complaint in such action:

1. A copy of or the substance of his certificate of sale of the tax lien, and the amount of interest, penalties, additions and expenses claimed by him.
2. A statement that the tax lien has not been satisfied pursuant to section 5-50.0 of the code or that the real property affected by such tax lien has not been conveyed pursuant to section 5-30.0 of the code.
3. A statement that the plaintiff elects to recover the amount of the tax lien and the interest, penalties, additions and expenses thereon.
4. A statement that the defendants have or may have some interest in or lien upon the property affected by the action.

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§ 5-64.0 **Conveyance vests absolute fee in purchaser.** a. The conveyance made pursuant to a judgment in any such action shall vest in the purchaser all right, title, interest, estate, claim, lien and equity of redemption in and against the premises sold:

1. Of all the parties to the action;
2. Of each person claiming from, through or under such parties by title accruing after the filing of notice of pendency of the action; or
3. Of persons whose conveyance or incumbrance is subsequent or is subsequently recorded.

b. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right,

title, interest, estate, claim, lien and equity of redemption in and to the premises sold, or any part thereof. The judgment in any such action may direct the cancellation or satisfaction of record of taxes, assessments or other claims of any of the parties to the action.

c. Such conveyance shall not affect:

1. Subsequent taxes and assessments, and sales on account thereof, and

2. Taxes and assessments which were liens on the premises at the time of the filing of a notice of pendency of the action, but for the nonpayment of which no sale had been had prior thereto, and any sale on account of such taxes and assessments.

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